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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/423,461	11/30/1999	HIDEKAZU KOJIMA	104651	6769

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EXAMINER

AN, SHAWN S

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 08/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/423,461

Applicant(s)
Hidekazu Kojima et al.

Examiner
Shawn An

Art Unit
2613



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 6, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 13 6) ☐ Other:

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DETAILED ACTION

Response to Reconsideration

1. Applicant's arguments with respect to claims 1-6 have been considered but, nevertheless, are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hattori (6,034,718) in view of Takahashi (5,522,789).

Regarding claim 1, Hattori discloses an optical fiber observing image processing apparatus and processing image data of the optical fibers photo-taken by cameras, comprising:

an image capturing means (Fig. 1, 2a, 2b) capturing image data from at least two cameras and image processing only desired image data from each of the cameras; and the image capturing means having two or more different capturing modes (memory for cameras 1 and 2, respectively) regarding the capturing of the image data (Fig. 5A),

Hattori does not specifically disclose the capturing modes are automatically switched in synchronous with or independently from process of the image processing.

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However, Takahashi teaches two camera image observation processing apparatus (Fig. 11(a)) comprising the image capturing means having two or more different capturing modes (Fig. 12, 53), wherein the capturing modes which are automatically switched (Fig. 15) in synchronous with or independently from process of the image processing (Fig. 11, 37).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing an optical fiber observing image processing apparatus as taught by Hattori to incorporate the concept of the auto switching of the capturing modes as taught by Takahashi for highly accurate measurement and observation of the optical fibers.

Regarding claims 2-6, Hattori discloses an optical fiber observing image processing apparatus and processing image data of the optical fibers photo-taken by cameras, comprising:

an image capturing means (Fig. 1, 2a, 2b) capturing image data from at least two cameras and image processing only desired image data from each of the cameras; and

the image capturing means having two or more different capturing modes (memory for cameras 1 and 2, respectively) regarding the capturing of the image data (Fig. 5A),

Hattori does not specifically disclose the capturing modes are automatically switched in synchronous with or independently from process of the image processing, and the capturing modes include at least two of a capturing mode in which the image data can be captured from the cameras from frame to frame and field to field and the image data from cameras can be captured by successively switching cameras from frame to frame and field to field.

Hattori also fails to disclose a capturing mode in which image data can be captured from cameras from pixel to pixel and successively switching the cameras from pixel to pixel.

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However, Takahashi teaches two camera image observation processing apparatus (Fig. 11(a)) comprising the image capturing means having two or more different capturing modes (Fig. 12, 53), wherein the capturing modes which are automatically switched in synchronous with or independently from process of the image processing, wherein the capturing modes include at least two of a capturing mode in which the image data can be captured from the cameras from frame to frame and field to field and the image data from cameras can be captured by successively switching cameras from frame to frame and field to field, and also a capturing mode in which image data can be captured from cameras from pixel to pixel and successively switching the cameras from pixel to pixel (Fig. 15; Fig. 11, 37).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing an optical fiber observing image processing apparatus as taught by Hattori to incorporate the concept of the capturing mode in which image data can be captured and successively switched from cameras from the frame to frame, the field to field, and the pixel to pixel for highly accurate measurement and observation of the optical fibers.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

- A) Osaka et al (6,287,020 B1), Observation apparatus and fusion splicer for optical fibers.
- B) Tanaka et al (5,111,323), Optical switching system.
- C) Lipton et al (4,523,226), Stereoscopic TV system.

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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn An whose telephone number (703) 305-0099 and schedule are Tuesday-Friday.

SHAWN S. AN
PATENT EXAMINER

SSA 

August 24, 2003